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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,738	07/25/2001	Rainer Maurer	112843-006	5329

7590 09/24/2002

Robert M Barrett  
Bell Boyd & Lloyd  
P O Box 1135  
Chicago, IL 60690-1135

EXAMINER

WALICKA, MALGORZATA A

ART UNIT	PAPER NUMBER
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1652

DATE MAILED: 09/24/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/674,738

Applicant(s)

MAURER ET AL.

Examiner

Malgorzata A. Walicka

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-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-6 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 part a), 2, 5 and 6, drawn to bromelaine protease, method of use for stimulation of plasmin production, and medicament for inhibiting blood coagulation.

Group II, claim(s) 1 part b), 2, 5 and 6, drawn to bromelaine protease, method of use for stimulation of plasmin production, and medicament for inhibiting blood coagulation.

Group III, claim(s) 1 part c), 2, 5 and 6, drawn to bromelaine protease, method of use for stimulation of plasmin production, and medicament for inhibiting blood coagulation.

Group IV, claim(s) 3, drawn to a method of use of bromelaine protease of claim 1, part a), wherein the production of fibrin is inhibited.

Group V, claim(s) 3, drawn to a method of use of bromelaine protease of claim 1, part b), wherein the production of fibrin is inhibited.

Group VI, claim(s) 3, drawn to a method of use of bromelaine protease of claim 1, part c), wherein the production of fibrin is inhibited.

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Group VII, claim(s) ~~3~~<sup>1</sup>, drawn to a method of use of bromelaine protease of claim 1, part a), wherein the adhesion of thrombocytes on endothelium cells is inhibited.

Group VIII, claim(s) ~~3~~<sup>1</sup>, drawn to a method of use of bromelaine protease of claim 1, part b), a method of use of bromelaine protease of claim 1, part c), wherein the adhesion of thrombocytes on endothelium cells is inhibited.

Group IX, claim(s) ~~3~~<sup>1</sup>, drawn to a method of use of bromelaine protease of claim 1, part c), a method of use of bromelaine protease of claim 1, part c), wherein the adhesion of thrombocytes on endothelium cells is inhibited.

However, the search of Groups I and II together, Group IV and V together, and Group VI and VIII together does not impose involve a burden on the examiner. Therefore, Group II will be examined together with Group I, Group V will be examined together with Group IV and Group VI will be examined together with Group V.

The claims are directed to three different products, i.e., three bromelaine proteases, as well as to three different methods of use of said proteases. 37 CFR 1.475 does not provide for **multiple products and/or methods** within single application, therefore, unity of invention is lacking with regard to Group I - IX.

For the reason indicated above the restriction is proper.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malgorzata A. Walicka, Ph.D., whose telephone number

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is (703) 305-7270. The examiner can normally be reached Monday-Friday from 10:00 a.m. to 4:30 p.m.


If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, Ph.D. can be reached on (703) 308-3804. The fax number for this Group is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionists whose telephone number is (703) 308-0196.

Malgorzata A. Walicka, Ph.D.

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Patent Examiner

  
NASHAAT T. NASHED PHD.  
PRIMARY EXAMINER